

**BOROUGH OF WIND GAP  
29 MECHANIC STREET  
WIND GAP, PA 18091  
863-7288  
FAX 863-1011**

The Council meeting of the Borough of Wind Gap on Tuesday, May 22, 2012, was called to order at 7:30 p.m. by Council President, George Hinton, at which time he reminded those present that the meeting was being recorded. In attendance were Councilmen: Jon Faust, John Maher, Kerry Gassler, Tony Curcio, Joe Weaver and Dave Hess. Also in attendance were Mayor James M. Shoemaker, Borough Solicitor Ronold Karasek, Borough Engineer Brian Pysher and Borough Administrator Louise Firestone.

**PUBLIC COMMENT**

1. Lisa Holmes, operator of the Wind Gap Barber Shop for close to 25 years. Lisa asked Council why the parking in front of her shop has been taken away because they are valuable spots for her customers. She has customers who need to park close to the building because they cannot walk that far. She reviewed past Council meeting minutes in regard to the parking on Broadway and the blocking of the driveway for A Cut Above. Lisa stated that her customers are the people who park on the street not the neighboring beauty salon. The beauty salon customers typically park in the parking lot next to A Cut Above, after they have entered the driveway from behind. The Bank has installed a handicap space on Center Street which has also decrease the amount of spots for her barber shop. The spaces that were lost in front of the buildings have created a hazard on Broadway at the corner. It creates two lanes, which allows tractor trailers and cars to go around any vehicle which would be turning left onto Center Street. When the cars were parked in front of her business, vehicles could not go around turning vehicles. She added that the painted words, No, No, No is misunderstood as a "No Parking Lane" because the sign that was in the tree was removed when the tree that it was hanging on was knocked down. The sign actually stated that there is "No Turn From Shoulder" not no parking. There were three spaces in front of the barber shop, but now they are gone. George stated that the "No Parking Here to Corner" has been moved back down by the driveway of A Cut Above parking lot. Lisa questioned if the handicap parking spot for Dr. Kim's office was permitted. George informed Lisa that Council has not taken any action related to A Cut Above or Sliders Grill even though they have both been before Council regarding different issues. Lisa added that she has found that Sliders Grill has been a good neighbor and they have improved the neighborhood.

2. Tony Borger, Wind Gap Area Athletic Association President. Tony introduced himself as the president of the WGAAA for the past 13 years and active members for approximately 16 years. He has been the Car Show Coordinator for the past 11 years and has received great support from the Wind Gap Fire Company. He acknowledged that three police officers were present this past Sunday to direct traffic for the car show and to walk through the park to make their presence known. He stated that this was the best car show in 29 years, because of the amount of vehicles in the show (over 500), the sponsors, the weather; it was just a great show. He thanked the Borough workers for the wonderful condition of the park. Today, Tony was called by a vendor regarding the raffle truck they brought to the 29<sup>th</sup> Annual Wind Gap Car Show. The truck was brought in by Tom Ring of Brown Daub and was located in front of the play area on the macadam. Mr. Ring was informed by Tony that if the vehicle was left overnight from Saturday to Sunday it was at his risk. Tony was told that the truck had been towed from the park by the Borough by Tom Ring's daughter. Chief Armitage had

informed Tony that he tried to contact him prior to towing the truck, but unfortunately did not receive a return call prior to the vehicle being towed. The truck was towed by Gardner's Towing and stored on their property. Chief Armitage added that there has been vandalism at the park, specifically the park restrooms recently and the truck in question was parked near the restrooms and left unlocked. The Chief contacted Mr. Ring this morning to explain the confusion and what had transpired and informed him the Gardner's Towing would not be charging him for towing the vehicle. Council continued to discuss the ongoing issues of vehicles in the park. The Chief had previously distributed a memo regarding the parking of vehicles in the park and informing Council that the Police Department will enforce the Ordinance that any vehicle found by a Borough Police Officer parked within the Park will be ticketed. The Chief has suggested that a system should be worked out with some type of temporary parking placard could be displayed in the windshield. Council thanked Tony for his continued efforts with the Car Show and the Athletic Association and Tony thanked Council for allowing him to vent to his frustration and vowed to move from here. Tony told those present that the 20<sup>th</sup> Annual Wind Gap Car Show will be held May 19, 2013.

3. Alex Cortez informed Council that he does not care whether there is cement in front of the garages or black top the whole ground area that is parking now. The ground will have to be tapered back. He is willing to sit down to discuss the plans for repair on First Street after the development disturbed his property. Brian stated that he just completed the bid specifications for A Street and East First Street and included 4 ½" base and 1 ½" top after being compressed. Council decided to include this work in with the street project in the hopes that contractors would provide a better number based of the quantity. There will be a 6' concrete apron between the sidewalk and the curb. Brian anticipates that this should be completed the last couple weeks of July. Jon suggested that the Borough road department guys would dress up the bank, topsoil and seeded.

Alex remembered that at a previous meeting, the Wind Gap Municipal Authority had to pull out the shale where they were installing new pipe because that was not allowed. He asked if there is any kind of spec that allows for shale and recycled material in it because the pavement in East First Street has shale and other materials. Brian replied that the Borough has the certified PennDOT slips from Hanson. PennDOT does permit the asphalt plants to put a certain amount of recycled material (coarse aggregates). The first one hundred feet off of South Broadway had to be paved up to PennDOT road standards and the Borough standard of paving had a difference of only ½" thickness. The road spec called for 6" of 2A modified stone, 4" of 25mm Superpave, 2" of 12.5mm binder course and 1 ½" wearing course.

Alex reminded Council that several meetings ago he presented the possibility of purchasing the alleyway and asked if any action has been taken on his offer. George stated that no action has been taken or even talked about. Brian stated that the alley that Alex is referencing is not an ordained alley, so that is a private issue. He explained that whatever subdivision plan created that alley, all properties in that subdivision have a right to the use of that alley so they must sign off on the alley.

4. Bob Matlock, 346 Alpha Avenue, Wind Gap. He understands that an appointment was made with a realtor for the purpose of obtaining land for the Borough. He would like to know who gave Mrs. Yob the authorization to discuss this with a realtor. Joe Weaver explained that a realtor did come to a Park Board meeting, which is a public meeting, with the intent of presenting the property to the board. He has a client who is interested in selling the property to the park and the fact that he came to make a sales pitch is not Cathie Yob's doing. Bob stated that it is his understanding that it is the purpose of Borough Council to make any land decision and she is acting on behalf of the Borough. Joe replied that she can look at the property and then make a pitch to Council whether to make the purchase or not to buy it. He said that he believes that it is an interesting property, but the asking price at this point in time, is too steep. As an elected Council representative, he was present at this meeting and heard all the discussion. Bob said as a taxpayer, his opinion is the park board should be disbanded. A lot of things need done in this Borough, and the park board should not be spending money

randomly. Joe said that the park board is charged with managing the park's resources and if they would like to consider using the funds that they have for an acquisition like that, it is within their realm of authority to make a recommendation to Borough Council. Council acts upon the recommendation and has the final determination to spend the funds. Bob asked if the purpose of the park board can be defined. Joe referenced the original Borough ordinance that creates the park board and what their purpose is in serving. Bob believes that the board is to oversee the park, not to go out and make transactions adding this or that to the park.

## **APPROVAL OF MINUTES**

**On motion** by Jon Faust to approve the minutes of the May 7, 2012 Council meeting and seconded by Tony Curcio.

Joe Weaver asked that under Public Comment, Mr. Matlock's comment regarding that fact that he appreciates the Summer Sounds Concert Series be included in the minutes. Roll call vote taken. Motion carried unanimously.

## **COMMITTEE REPORTS**

1. EMS . Kerry Gassler reported that the Ambulance Corps responded to 68 calls in April for a total of 251 calls for the year which is basically on target for what they did last year (750 to 800 calls). The air conditioning drainpipe was busted and cracked on the condenser and fixed by Lessig.
2. Fire Co. . Dave Hess reported that the Fire Company responded to 9 calls for the month of April, 3 fires, 1 dwelling fire, 1 fire alarm, 1 accident, 1 spill, 1 brush fire, and 1 helicopter landing. Brian Pysher added that the Borough has been notified by Labor and Industry that they will be issuing a permit for the firehouse floor. Because of the age of the building, Labor and Industry is requiring that the emergency lighting be upgraded, but the ADA accessibility remains as it is currently. One condition of the permit is to add emergency lighting on the back exit in the engine bay and upgrade existing lighting with possibly one additional light. Jon Faust requested that the repairs be coordinated with the Ladies' Auxiliary because of hall rentals and Bingo. Jon to provide Brian with a phone number for the Auxiliary contact.
3. Zoning . Tony Curcio reported that the Zoning Hearing Board did not receive any applications so no meeting was held in June.
4. Planning . George Hinton reported that no plans were submitted so a meeting will not be held in June.
5. Municipal Authority . John Maher reported that a meeting was held on A Street to walk the site which was attended by the Borough Engineer, Brian Pysher, Councilman Hinton, Councilman Maher and representatives from the Authority to discuss the replacement of the sewer line and a schedule of how the work will be coordinated with the Borough's paving project. The Authority should be opening the bids for their portion of the project tomorrow night. He will report back to Council at the next meeting. Brian added that the Borough will be advertising our portion of the project this week so the bids can be opened on June 19<sup>th</sup> and awarded that night. He spoke to Guy Findon, Pennsylvania American Water, and their work will take approximately one week to complete. The project will take the coordination of the three entities and all the contractors to complete this job.
6. Streets . Dave Hess reported that the committee met last week. Last month they discussed purchasing new barricades and they were ordered. Dave believes that the old barricades have been

disposed of properly. The backhoe is in need of new tires and two quotes were received: Bergey's quote was \$2,330.66 and Alex's quote was \$2,050.00.

**On motion** by Dave Hess to purchase backhoe tires from Alex's Tire Center for a cost of \$2,050 and seconded by John Maher. Roll call vote taken. Motion carried unanimously.

The Street Department received a complaint regarding the inlet on Alpha Road so the street workers were doing repairs today. Chief Armitage informed Dave that the grate is off the ground approximately 4" . 6" with traffic cones on it. He asked if barricades with lights could be put on the grate because the darker it gets the more difficult it will be to see. Dave and Jon will go up to get barricades after the meeting.

The committee also inspected the play equipment at the park because there was a complaint regarding graffiti on the slide. The tub slide still has parts that that need to be replaced.

Dave stated that the committee discussed that with the pending retirement of John Zucal and the need to replace him, the Borough needs to have a job description for the position of Street Leader.

There was a complaint regarding the dirt portion of East West Street. Chief Armitage informed Council that Officer Donaldson caught the kids who were racing back on that street and that should stop the late night noise complaints from the neighbors.

7. Police - Mayor Shoemaker reported that the Police Department responded to 131 calls for the month of April, 8 animal complaints, 2 motor vehicle accidents were investigated and they issued 18 traffic citations and 3 parking tickets issued.

8. Park . Joe Weaver reported that Council should have received an e-mail from Cathie Yob regarding the locking of the basketball courts. The Park Board unanimously feels that the courts should remain unlocked because there have been some occasions when people have wanted to play and the courts have been locked. George stated that the Park Board was asked if there should be a curfew in the park and they said at dusk. The issue of leaving the courts open was discussed and it was decided that they remain open until 10:00 p.m. to give the kids an opportunity to play later at night and that was what was agreed upon. The courts are to be opened in the morning by the police officers and for the most part that has happened. He agreed that on a couple occasions the court was not unlocked in the morning and that could be due to an officer calling off duty, he was busy on a traffic call or other emergency police call and was unable to unlock the courts until a little later in the day. George offered to display his number on a sign by the courts in the event that they are not unlocked so he can be contacted. John added that if the courts were to remain open 24 hours that would mean that the lights would have to be on for the night and the neighbors would not appreciate the noise or the lights. Joe believes that it warrants discussion by Council as he does not have a problem with the courts staying unlocked all night.

The Park Board had wanted to order new infant swings and wanted to know if they had been ordered and delivered. Louise stated that they have been received and in the Borough building until today. Jon Faust added that when the street committee walked the Park, it was observed that some of the play equipment really needs to be gone over for safety reasons. The swings have "S" hooks which could easily come unhooked because they are not crimped shut. The Park Board should be evaluating the condition of all the equipment.

Joe mentioned that on the Borough website a band name is not correct, it should be Shake, Rattle and Soul. Also, one of the summer sounds bands, Jimmy and the Parrots, has requested a deposit be sent so this will be done the next time checks are processed.

The Park Board will be amending the park sign that is on Lehigh Avenue across from Fourth Street to include the park hours according to Ordinance 458, closed from 10:00 p.m. to 6:00 a.m.

George reported that the Park Master Plan was discussed during a meeting with Urban Research and Development Corporation (URDC) and their proposal is \$48,000. The Borough applied for a grant for \$24,000 which would be half of the cost to complete the Master Plan. The purpose of a Master Plan is to show the future of the Park and how the Borough plans to upgrade the park property

as the wishes of its residents. If the Borough has a plan on how it intends to develop the park in phases, it is easier to obtain grant funding for the proposed projects. The last funding received for the Park was money for the basketball/tennis courts and that took more than five meetings of approximately three hours a meeting to state the Borough's position for requesting money for parks. Joe added regarding the Master Plan, they do take public input during community meetings for things the residents would like to see or not see in the Borough Park.

9. 911 . Tony Curcio had nothing to report.

10. Tipping Fees - Tony Curcio reported that there is not change in the report.

11. Property Maintenance Code . John Maher reported that the Code was reviewed and two out of three on the committee agreed that Council should move forward with submitting the Property Maintenance Code and starting the next step for approval of the PMC. Mr. Karasek was asked to include that the Borough would only investigate any complaints by a letter or at a meeting, anonymous complaints will not be accepted.

**On motion** by John Maher to advertise the Property Maintenance Code and seconded by Tony Curcio.

Prior to a roll call vote taken, Council had further discussion on the PMC.

Joe asked for some clarification to Section PM-304.14 Insect screens, "õ every swinging door shall have a self-closing device in good working condition". Is that to be interpreted as every door in his house has to be self-closing because it does not seem to be clear in the ordinance? If it is meant to be for exterior doors it should be made clear. Joe is okay with adding õ "any door used for insect control".

Kerry stated that he still has a problem with the weed ordinance defining weeds that are over six inches. He has nine acres of property and he mows back approximately 300', so is the remaining considered tall grass or weeds. The Zoning Officer said only if there is a complaint and Brian Pysher concurred. He asked if there is somewhere in the ordinance where language could be added to distinguish how far back from the front road needs to be maintained. The intent of the Code would be to have a section to address a property that has become overgrown due to neglect either intentionally or because of vacancy. After discussion with Mr. Karasek, it was agreed that he would make the following changes, "Weeds shall be defined as all grasses, annual plants and vegetation, *other than wetlands, storm water facilities, reservoirs, fallow fields*, trees or shrubs. Fallow fields will be defined by Webster's dictionary. Ron explained that sections specifically defined in the Borough Ordinance will take precedence over those sections in the PMC. The PMC book in its entirety is the exhibit of the Ordinance unless otherwise noted.

Joe encouraged people to attend the meeting when this ordinance is advertised.

Roll call vote taken. In favor: G. Hinton, J. Maher, T. Curcio, J. Faust. Opposed: K. Gassler, D. Hess, J. Weaver. Motion carried with a vote of 3-4.

12. Building Finance Committee . George Hinton reported that he met with Brian Pysher on the property behind the school. Brian stated that the property was surveyed and preliminary boundaries for the property. He believes that the Borough will have to get zoning approval because if the property is subdivided there will be no direct frontage on an improved street. The Borough has a legitimate hardship because the Borough is trying to provide additional parking to businesses on Rt. 512. He suggests that the Borough property be subdivided and Council apply for zoning relief.

13. GIS Update. John Maher reported that he gave everyone a status of where the project is, what is outstanding, training for data collection and funding. John suggested that Brian go with him to learn how to use the Trimble device for data collection so information could be loaded into the data

base. The Borough has been billed approximately \$4,600 out of the \$5,000 contract price, with an outstanding bill of \$1,938 and an estimate of \$1,400 to complete the task. Brian further explained that the overrun on the project is due to details related to the mapping issues using the resources from PennDOT and Lehigh Valley Planning Commission because all of the maps do not coincide regarding the lines in the Borough.

**On motion** by John Maher to approve additional funding for the GIS engineering of \$2,948.50 and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

John explained that additional training is available on-line that are either free of charge or for a minimal fee. There are more extensive, expensive training classes that might be necessary at a later date.

Ron Karasek asked for clarification of the Property Maintenance Code Ordinance with regard to the Appeals Board. John Maher suggested that initially the Borough utilize the COG Appeals Board since they already have the mechanism set up and the Borough is a member of the COG. Ron will include this in the proposed ordinance.

## **MAYOR'S REPORT**

Mayor Shoemaker reported that the Slate Belt COG will meet on Wednesday, May 23, 2012 at 7:00 p.m. at the Blue Valley Drive COG office. All Council members are welcome to attend COG meetings. The Mayor, Councilmen Hinton and Maher attended a Slate Belt Economic Development meeting. He read the mission statement as discussed during the meeting.

Mayor Shoemaker submitted a new banner design to Council for their approval. He would like to make a final decision on the banner and advertise their sale in the Borough monthly newsletter.

The Fire Company will be holding a Community Day on June 30, 2012 with more information to follow.

The Borough's community wide yard sale will be held on July 6, 7, 8, 2012 (Friday, Saturday, and Sunday).

A Memorial Day service will be held at the monument on Sunday, May 27, 2012 at 1:00 p.m. by Wind Gap American Legion Post 724. A dedication of a memorial stone will be held in honor of Derek Holland who was killed in Afghanistan in June 2008.

The Slate Belt YMCA will be holding their annual 5K Run/Fun Walk on Saturday, June 2, 2012 at 9:00 a.m. with registration beginning at 7:30 a.m. at the Blue Valley Farm Show.

## **NEW BUSINESS**

Council already discussed the Property Maintenance Code Ordinance.

## **OLD BUSINESS**

1. Kerry Gassler stated that he made a motion last month in regard to the sign section of the Borough's Zoning Ordinance. He asked if a committee could be set up. George appointed Kerry as the chair of the committee, along with John Maher and George. Kerry recommended three business owners in the Borough who have volunteered to sit on the committee: Lucy Flinn, Tom Hill and Joe DePue. Kerry will organize the meeting and inform all of the members.

**On motion** by Tony Curcio to adjourn the meeting of May 22, 2012. Council agreed unanimously. The meeting of May 22, 2012 adjourned at 9:41 p.m.

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Louise Firestone, Borough Administrator